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Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Draft report by the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 58/73 of 9 December 2003. It covers the implementation of the United Nations Programme of Assistance in the Teaching Study, Dissemination and Wider Appreciation of International Law during the biennium 2004-2005 and provides guidelines and recommendations for the execution of the Programme for the biennium 2006-2007.

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I. Introduction

1. The General Assembly, by its resolution 58/73 of 9 December 2003, authorized the Secretary-General to carry out in 2004 and 2005 the activities specified in his report on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/58/446). In paragraph 14 of the resolution, the Assembly requested the Secretary-General to report to it at its sixtieth session on the implementation of the Programme during 2004 and 2005 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

2. The present report covers the implementation of the Programme of Assistance during 2004 and 2005 in accordance with the guidelines and recommendations contained in the report of the Secretary-General (ibid.). The present report, inter alia, gives an account of the activities performed by the United Nations itself and of those in which the Organization has participated, as well as a description of contributions made by the United Nations Institute for Training and Research (UNITAR). However, unless otherwise indicated, specific information included in the present report refers to activities during 2005. Information for the year 2004 was included in the interim report of the Secretary-General dated 29 September 2004.[1]

II. Implementation of the Programme during the biennium 2004-2005

A. Activities of the United Nations

1. Geneva International Law Seminar

3. The forty-first session of the International Law Seminar was held at the Palais des Nations in Geneva from 11 July to 29 July 2005 during the fifty-seventh session of the International Law Commission. Twenty-four candidates (13 males and 11 females) were selected and participated in the 2005 Seminar. Participants were from Belgium, Benin, Canada, China, Colombia, the Congo, the Czech Republic, Finland, Germany, Ghana, India, Indonesia, the Islamic Republic of Iran, Jamaica, Lithuania, Malaysia, Mali, Mexico, Nepal, New Zealand, Nigeria, Norway, Togo and the United States of America.

4. The Seminar is funded by voluntary contributions from Member States and through national fellowships awarded by Governments to their own nationals. Fellowships were made available to participants, in 2005, by the Governments of the Czech Republic, Finland, Germany, Mexico, New Zealand, Sweden and Switzerland. With the award of these fellowships, it was possible to achieve adequate geographical representation of participants and to select deserving candidates who would otherwise have been prevented from participating in the Seminar. For the 2005 session, full fellowships (travel and subsistence allowance) were awarded to 10 candidates and partial fellowships (subsistence or travel only) to 6 candidates.

5. The Seminar was opened by the Chairman of the International Law Commission, Mr. Djamchid Momtaz. Mr. Ulrich von Blumenthal, Senior Legal

Adviser of the United Nations Office at Geneva, was responsible for the administration, organization and conduct of the Seminar.

6. The following lectures were given by members of the Commission: "Unilateral acts" (V. Rodríguez Cedeño in cooperation with M. I. Torres Cazorla); "Diplomatic protection" (J. Dugard); "Advisory opinion of the ICJ of 9 July 2004" (D. Momtaz); "International liability of acts not prohibited by international law" (P. S. Rao); "Shared natural resources" (C. Yamada); "Fragmentation of international law" (M. Koskenniemi); and "Responsibility of international organizations" (G. Gaja). Lectures also were given by others: "The work of the International Law Commission" (A. Pronto, Legal Officer, United Nations Office of Legal Affairs); "International refugee law — Recent developments" (V. Cochetel, Office of the United Nations High Commissioner for Refugees); "The World Trade Organization dispute settlement system" (Y. Renouf, Legal Adviser, World Trade Organization); and "The work of the Human Rights Committee" (M. Schmidt, Office of the United Nations High Commissioner for Human Rights). Study visits were organized to the European Organization for Nuclear Research and Palais Wilson.

2. International Law Fellowship Programme

7. In paragraph 2 (a) of its resolution 58/73, the General Assembly authorized the Secretary-General to award a number of international law fellowships in both 2004 and 2005, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries. On the basis of the resolution, 20 fellowships were awarded in 2004 and 17 fellowships in 2005.

8. For the 2005 International Law Fellowship Programme, 291 applications from 56 countries had been received by the closing date. The 16 fellows (8 males and 8 females) who participated in 2005 were from the following countries: Cambodia, Cape Verde, the Comoros, Côte d'Ivoire, Georgia, Honduras, Kyrgyzstan, Lebanon, Mali, Mauritius, Mongolia, Niger, Peru, Sao Tome and Principe, Seychelles and Togo. In addition, three observers attended the 2005 Programme, from Lebanon, Romania and Turkey.

9. In addition to a series of lectures on public international law given at the Hague Academy of International Law, the Fellowship also offered an intensive programme of seminars and complementary study visits organized by the United Nations Office of Legal Affairs and UNITAR.

10. In 2005, the lectures included: "International law for humankind: Towards a new Jus Gentium" (A. A. Cancado-Trinidade, Judge and former President of the Inter-American Court of Human Rights); "Re-establishing peace through multinational operations after armed conflicts" (P. Daillier, University of Paris X); "The International Criminal Court" (E. David, Free University of Brussels); "Access to international justice in environmental disputes" (G. Loibl, University of Vienna); "Humanitarian intervention today" (V. S. Mani, Director, Gujarat National Law University); "Multilateralism vs. unilateralism: Authorization by the Security Council to use force" (L. A. Sicilianos, University of Athens); and "The contribution of international law to the preservation of cultural diversity" (D. Turp, University of Montreal).

11. The special seminars organized in 2005 comprised the following topics: "International humanitarian law" (A. M. La Rosa, Legal Adviser, International Committee of the Red Cross); "International refugee law" (V. Robert, Legal Adviser, Office of the United Nations High Commissioner for Refugees); "The multilateral trading system" (G. Marceau, Counsellor, Legal Division, World Trade Organization, Geneva); "Law of the Sea" (A. Mahiou, Professor, University of Aix-Marseille); "Treaty law" (G. Hafner, Professor, University of Vienna); "The international protection of human rights" (Y. Diallo, human rights expert, formerly Office of the United Nations High Commissioner for Human Rights); "International environmental law" (L. Boisson de Chazournes, Professor, Faculty of Law, University of Geneva); "International criminal law" (E. David, Professor, Free University of Brussels); and "The work of the International Law Commission" (D. Momtaz, Professor, University of Tehran and President, International Law Commission).

12. Under the Programme, study visits were arranged in 2005 to the International Court of Justice, the Permanent Court of Arbitration, the International Criminal Court and the Carnegie Foundation.

3. Regional courses

13. The Government of Thailand will host a regional course on international law issues for countries of the Asian region, to be held in Bangkok from 25 October to 5 November 2005. A maximum of 30 participants will attend from the following countries: Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, the Democratic Republic of Korea, India, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, the Philippines, the Republic of Korea, Singapore, Sri Lanka, Thailand, Timor-Leste and Viet Nam.

4. Activities of the Office of Legal Affairs

(a) Public international law and other activities

14. The United Nations Office of Legal Affairs, and in particular its Codification Division, continued to perform various functions connected with the goals of the Programme.

15. The Office, in cooperation with UNITAR, made the arrangements relating to the general orientation of the International Law Fellowship Programme, such as the selection of fellows and the lecturers for the Programme. Communication was maintained between the Codification Division and UNITAR to ensure the implementation of the guidelines for the Fellowship Programme as approved by the General Assembly.

16. The Office of Legal Affairs received and assigned interns to participate in the work of the department. The Office selects interns, arranges for the duration and type of their training and assigns them to projects in which an intern has a special interest. Interns bear all their own financial expenses.

17. The Dag Hammarskjöld Library has assumed the administration of the United Nations Audiovisual Library in International Law.

18. The Codification Division participates in the electronic dissemination of information regarding United Nations work on the codification and progressive development of international law, as well as on some aspects regarding its application. A summary of the activities of the Division is to be found in the international law section of the United Nations home page under "Codification of international law" (www.un.org/law/lindex.htm). The Division maintains websites for the Sixth Committee of the General Assembly (www.un.org/law/cod/sixth/index.html) containing, inter alia, links to documents in all official languages and a summary of the activities of the Committee organized by session; and the International Law Commission (www.un.org/law/ilc/index.htm), including the Commission's most recent reports, other documentation and an online research guide. In addition, information and documentation links are available at the websites of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 on international terrorism; the Ad Hoc Committee on Jurisdictional Immunities of States and their Property; the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings; the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel; and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The Division also has established a website on the *Repertory of Practice of United Nations Organs* (www.un.org/law/repertory). The website includes access to studies on individual articles of the Charter of the United Nations from volumes not yet completed. Currently, all studies available in English, French and Spanish are on the Internet and will be continually updated, as the language versions of finalized *Repertory* studies become available. In 2004, the Division established a website for the *United Nations Juridical Yearbook*, containing selected legal opinions of the United Nations Secretariat. Finally, the Codification Division has been assisting with the inputting of published United Nations legal opinions into the database of the Global Legal Information Network (GLIN), which has as its goal the inclusion of all the world's laws, as well as other legal information.

19. The website of the Division for Ocean Affairs and the Law of the Sea on the United Nations home page (www.un.org/Depts/los/index.htm) provides information on almost all aspects of oceans and the law of the sea. In particular, this information relates to: (a) the 1982 United Nations Convention on the Law of the Sea, Agreement relating to the implementation of Part XI of the Convention and the 1995 Fish Stocks Agreement, including documentation related to the meeting of States Parties to the Convention and to the 1995 Fish Stocks Agreement; (b) actions related to the agenda item "Oceans and the law of the sea" of the General Assembly including the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the reports of the Secretary-General, General Assembly resolutions, other General Assembly documents issued under that agenda item, documents and information related to the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, and official records of the General Assembly reflecting the debates on the oceans and the law of the sea agenda item; (c) the three bodies established by the 1982 Convention, in particular information related to the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea; (d) dispute settlement issues, especially relating to the choice of procedure under article 287 of the Convention and declarations made under article 298, lists of arbitrators and conciliators and experts and links to the International

Court of Justice and to the International Tribunal for the Law of the Sea; and (e) capacity-building and training, including the Hamilton Shirley Amerasinghe Memorial Fellowship, the technical cooperation trust fund established on the basis of an agreement between the United Nations and the Nippon Foundation, and the trust funds related to the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea, the consultative process and the TRAIN-SEA-COAST programme. In addition, the Division's website contains texts of maritime boundary delimitation treaties and of national legislation concerning maritime zones, links to major United Nations agencies, intergovernmental and non-governmental organizations and academic institutions that deal with oceans and the law of the sea, and extensive lists of documents and publications aimed at a better understanding of the legal regime as contained in the 1982 Convention.

(b) Activities concerning the law of the sea and ocean affairs: the Hamilton Shirley Amerasinghe Memorial Fellowship

20. The fellowship provides an opportunity for fellows to advance in their chosen professions or vocations by expanding their knowledge and attaining a better understanding of and greater specialization in the fields of study related to the law of the sea and its implementation. The candidates for the fellowship must have a degree in law, marine science, political science, ocean management, administration of ports or related disciplines. They must have at least five years of work-related experience.

21. The fellowship is awarded by the Under-Secretary-General for Legal Affairs, the Legal Counsel, on the recommendations of the Advisory Panel.

22. The award under the fellowship programme provides successful fellows with facilities for postgraduate study and research in the field of the law of the sea, its implementation and related marine affairs at participating universities.

23. The fellowship is publicized globally and applications are received in response to invitations extended through the offices of the resident representatives of the United Nations Development Programme and through the United Nations information centres. The selection of candidates is subject to a two-stage process. The preliminary stage of review of the individual applications and nominations, which are received from Governments, governmental agencies, institutions and other bodies, is carried out by the Division for Ocean Affairs and the Law of the Sea in cooperation with the Codification Division of the Office of Legal Affairs, which draw up a shortlist of candidates. The shortlist is then evaluated by the high-level Advisory Panel.

24. Annual awards have been offered to individuals from the following countries: Nepal (1986); United Republic of Tanzania (1987); Chile (1988); Trinidad and Tobago (1989);[2] Sao Tome and Principe (1990); Yugoslavia (1991); Thailand (1992); Kenya (1993);[3] Cameroon and Seychelles (1994); Tonga (1995); Indonesia (1996); Samoa (1997); Nigeria and Papua New Guinea (1998); Barbados and Sri Lanka (1999); Kenya (2000); Bulgaria and Iran (Islamic Republic of) (2001); Cape Verde and Colombia (2002);[4] Argentina (2003); and Sri Lanka (2004).

25. The Advisory Panel will meet in early November 2005 to choose a candidate for the twentieth annual award.

(c) Activities concerning international trade law

26. The activities conducted by the United Nations Commission on International Trade Law (UNCITRAL) and its secretariat, the International Trade Law Division of the United Nations Office of Legal Affairs, in connection with the Programme of Assistance are designed primarily to acquaint government officials, lawyers and scholars, particularly from developing countries, with the work of UNCITRAL and with the legal texts that have emanated from its work.

27. The Commission, pursuant to General Assembly resolution 59/39 of 2 December 2004, continued with its initiative towards expanding, through its secretariat, its technical assistance programme. It organized seminars and symposia in many developing countries with the objective of assisting them in adopting and implementing UNCITRAL texts. In addition, members of the UNCITRAL secretariat participated as speakers in a number of seminars and courses financed by institutions organizing those events or by other organizations. In its resolution, the Assembly reiterated its appeal to Governments, the bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund for UNCITRAL Symposia and, when appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries. The Assembly also appealed to the United Nations Development Programme and other bodies responsible for development assistance, as well as to Governments, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission.

28. The UNCITRAL website (www.uncitral.org) is designed to provide relevant information concerning the Commission to Governments, Commission delegates, researchers, practitioners and others interested in the work of the Commission. The site contains texts adopted by the Commission and preparatory documentation for the Commission and its working groups; case law on UNCITRAL texts; conventions (including their status) and model laws (including their implementation by States); archived research materials; and other texts relating to international trade law.

(d) Activities concerning treaty law matters

29. The United Nations Treaty Section has continued to expand its programme of technical assistance on treaty law and practice in the context of the *Strategy for an Era of Application of International Law: Action Plan*. In addition to the technical assistance and advice routinely provided to United Nations permanent missions, Governments' legal officers and the Secretariat on the registration and publication of treaties and the depositary practice of the Secretary-General, advice and assistance were also provided on treaties and related actions recorded and stored in the Treaty Section database and on the drafting of final clauses of multilateral treaties.

30. The Treaty Section, in collaboration with UNITAR, organized two training sessions at United Nations Headquarters on treaty law and practice. Training seminars were held in Viet Nam on 4 and 5 November 2004, in Barbados for the Caribbean Community on 26 and 27 October 2004 and in Geneva for the United Nations Economic Commission for Europe on 17 and 18 January 2005. A number of other requests for training have been received, but funding remains problematic.

Requests also continue to be received for assistance with the domestic implementation of treaties.

31. Preparations are well under way for the treaty event, "Focus 2005: responding to global challenges", to be held from 14 to 16 September 2005. The publication of the same name was issued in May and distributed to all permanent missions, United Nations agencies, and concerned non-governmental organizations, among others. A panel on terrorism was organized by the Treaty Section in June 2005 in preparation for the 2005 treaty event.

5. Publications

(a) United Nations Treaty Collection

32. Consistent with the wishes of the Member States, the Treaty Section has continued to develop and enhance the Section's computerization programme in order to facilitate the effective storage, retrieval and timely dissemination of treaty information, now substantially contained on the website of the United Nations Treaty Collection. In 2005, "Focus 2005: responding to global challenges" was added to the website. The Treaty Collection includes all treaties published as at July 2004. In addition, the certified true copies of multilateral treaties deposited with the Secretary-General are being prepared for posting on the site. The Treaty Collection will be upgraded with a new search mechanism. Developing country users, non-governmental organizations, national Governments, users within the United Nations family and members of the International Law Commission have been provided free access to the Treaty Collection website.

(b) *United Nations Juridical Yearbook*

33. The following editions of the *United Nations Juridical Yearbook* have been completed by the Codification Division and sent to press: 1998, 1999, 2000, 2001 and 2002. The 1998 volume (English) is expected to be published shortly.

(c) *United Nations Reports of International Arbitral Awards*

34. Volume 24 of the *United Nations Reports of International Arbitral Awards* was prepared by the Codification Division and has been published. Volume 25 is scheduled for submission at the end of 2005.

(d) *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*

35. During the period under review, the Secretariat continued its efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, as well as of the *Repertoire of the Practice of the Security Council*, in accordance with General Assembly resolution 59/44 of 2 December 2004 on the United Nations Charter. The status of the various Supplements of the *Repertory* and the *Repertoire* is set out in the report of the Secretary-General (A/60/124). Moreover, the placement of *Repertory* studies on the Internet has been implemented in English, French and Spanish.

(e) Other publications

36. During 2005, the Division for Ocean Affairs and the Law of the Sea published No. 57 of the *Law of the Sea Bulletin*. This periodical updates information relating to the law of the sea and marine affairs, including national legislation, bilateral and multilateral treaties and the decisions of international courts and arbitral tribunals. The Division also issued No. 21 in the *Law of the Sea Information Circular* series, which presents information on any action taken by States parties in implementing the United Nations Convention on the Law of the Sea.

37. During 2005, the International Trade Law Division published the *Case Law on UNCITRAL Texts* abstracts Nos. 43 to 46 and the *Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods*. It also prepared the report on the status of ratifications and enactments of texts arising from the work of UNCITRAL and the UNCITRAL consolidated bibliography in the six official languages of the United Nations. The International Trade Law Division regularly updates the bibliography as published on the UNCITRAL website.

6. Distribution of United Nations legal publications

38. Pursuant to paragraph 49 of the 2003 report of the Secretary-General on the Programme of Assistance (A/58/446) and paragraph 1 of General Assembly resolution 58/73 authorizing its implementation, copies of United Nations legal publications issued during 2004 and 2005 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in a number of countries, in particular in the developing countries, for which requests for such publications have been made by the Member States concerned. The International Court of Justice continued to provide copies of its publications to institutions receiving assistance under the Programme.

B. Activities of the United Nations Institute for Training and Research

39. In addition to cooperation with the Office of Legal Affairs in organizing the International Law Fellowship Programme and the regional fellowship in Thailand, UNITAR has carried out, in 2005, a number of activities related to the teaching, study, dissemination and appreciation of international law, including the fellowship programme on international civil service, held in Yaounde, Paris and Geneva (4 January to 8 July 2005); international law training for government officers from Tajikistan; a training programme on the legal aspects of debt, financial management and negotiations for English- and French-speaking African countries, Central Asian republics, Azerbaijan and others; and a programme on the implementation of environmental law, held in Jordan from 7 to 10 March 2005 and in Italy from 18 to 20 April 2005. UNITAR also held a number of workshops and seminars at New York Headquarters during 2005, including the UNITAR workshop on the negotiation of international legal instruments, held from 19 to 22 April 2005; the World Intellectual Property Organization UNITAR workshop on international intellectual property, held on 26 April 2005; the UNITAR summer institute on "Global issues facing the United Nations: Strengthening respect for the rule of law", held from 6 to 10 June 2005; the UNITAR workshop on international trade and the Doha Round, held from 29 August to 2 September 2005; and the UNITAR/United

Nations Population Fund/International Organization for Migration Workshop on Trafficking in Human Beings, held on 18 and 19 October 2005).

III. Guidelines and recommendations regarding the execution of the Programme in the biennium 2006-2007

A. General observations

40. In paragraph 14 of its resolution 58/73, the General Assembly requested the Secretary-General to report to it at its sixtieth session on the implementation of the Programme during 2004 and 2005 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

41. The paragraphs below contain the guidelines and recommendations requested by the General Assembly in its resolution. In formulating such guidelines and recommendations, account has been taken of the fact that, in the resolution, the Assembly did not provide for new budgetary resources for the Programme, but relied instead on financing such activities from the existing overall level of appropriations and voluntary contributions from States.

42. Therefore, in substance, the paragraphs below recommend that the United Nations and other agencies continue the current activities under the Programme and develop and expand them if new funds become available through voluntary contributions. In principle, new activities should be undertaken only if the overall level of appropriations or voluntary contributions make them possible.

B. Activities of the United Nations

43. *Geneva International Law Seminar.* It is expected that, if sufficient voluntary contributions from States continue to be made, new sessions of the Seminar will be held in 2006 and 2007 in conjunction with those of the International Law Commission. Scheduling of the sessions of the Seminar should be done in such a way as to make it possible to provide it with adequate services, including interpretation as required.

44. *Public international law and other activities.* During the biennium 2006-2007, the Office of Legal Affairs and its Codification Division are expected to continue performing the various functions connected with the goals of the Programme, as described in the present report, namely, participation in the International Law Fellowship Programme; regional refresher courses; training of interns; lecturing on international law topics; secretariat functions to the Advisory Committee and the Sixth Committee on the agenda item concerning the United Nations Programme of Assistance; and dissemination of information regarding the codification and progressive development of international law. With regard to the training of interns, geographical distribution is duly borne in mind in selecting interns and, at the same time, existing possibilities are fully taken advantage of, irrespective of nationality.

45. *Activities concerning the law of the sea and ocean affairs; the Hamilton Shirley Amerasinghe Memorial Fellowship.* The Office of Legal Affairs will

continue to award at least one fellowship annually, in accordance with the rules and guidelines.

46. *Activities concerning international trade law*. The steps to promote training and assistance in international trade law are of particular concern to developing countries. The Secretary-General, through the International Trade Law Division of the Office of Legal Affairs, will take the requisite action during the biennium 2006-2007 to implement the recommendations addressed to him in this regard by UNCITRAL and the General Assembly.

47. *Publications*. It is expected that the United Nations Secretariat will continue its efforts to reduce the backlog of the *United Nations Treaty Series*.[5] Efforts also should be continued by the United Nations Secretariat to ensure the publishing of materials on matters of legal interest through the Internet on the United Nations home page, as well as through other electronic media.

48. *Provision of United Nations legal publications*. Copies of United Nations legal publications issued during 2006 and 2007 will be provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications are made by the Member States concerned. Each new request will be reviewed on its own merits and the availability of the legal publication in question also will be taken into account.

49. *Fellowships and scholarships offered at national institutions*. Information received from Governments regarding the fellowships and scholarships offered at national institutions will, at the request of those Governments, be circulated to all Member States.

50. *International Law Fellowship Programme*. A number of fellowships should continue to be awarded each year under the United Nations regular budget. Additional fellowships also may be awarded from the Trust Fund of the Programme of Assistance, depending upon the amount of the voluntary contributions received each year.

51. The Programme also should be open to a limited number of observers whose Governments are willing to cover the expenses of their observers.

52. Guidelines contained in General Assembly resolutions should be followed, in particular regarding the desirability of using, as far as possible, the resources and facilities made available by Member States, international organizations and others, as well as the need, in appointing lecturers for the seminars of the International Law Fellowship Programme, to secure representation of the major legal systems and balance among various geographical regions. Every effort should be made to enhance and maintain the high quality of the lecturers and the seminars.

53. Furthermore, in the implementation of the Fellowship Programme, maximum use should be made of the existing human and material resources of the Organization so as to achieve the best possible results within a policy of maximum financial restraint. To the extent possible, teaching experts for the seminars should be selected from among the staff of the Organization, thus reducing to a minimum consultants' fees and making full use of the expertise of Organization staff in international law and related areas.

54. Beginning in 1998, the Fellowship Programme was conducted in a monolingual format, alternating between English and French. This change from the previous bilingual format reduced the cost of the Programme and also enhanced its quality. The monolingual format will continue for the 2006 and 2007 programmes.

55. Upon the invitation of the Office of Legal Affairs, UNITAR should continue to participate in those aspects of the Fellowship Programme as appropriate and in accordance with the guidelines set out above.

IV. Administrative and financial implications of United Nations participation in the Programme

A. Biennium 2004-2005

56. Among the activities carried out under the Programme during 2004-2005, the following items were related to allocations from the regular budget: the supply of United Nations legal publications to institutions in developing countries; and the provision of a number of international law fellowships, determined in the light of the overall resources for the Programme (see General Assembly resolution 58/73, para. 2 (a)).

57. The cost of the handling and shipping of United Nations legal publications to institutions in developing countries was covered under the relevant sections of the programme budget for the biennium 2004-2005 relating to administrative and common services.

58. The actual cost of producing the publications falls under the respective allocations for the substantive programmes to which each publication belongs.

59. As for the cost of provision by the United Nations of a number of fellowships determined in the light of the overall resources for the Programme, a total of $391,300 was proposed in the regular budget sources under section 8 (Legal affairs).

60. In accordance with paragraph 12 of General Assembly resolution 58/73, in which the Assembly reiterated its request to Member States and to interested organizations and individuals to make voluntary contributions towards the financing of the Programme, the Secretary-General addressed a note on 17 February 2004 and another on 16 August 2005 to Member States, drawing their attention to resolution 58/73 and to the report of the International Law Commission.

61. For the Geneva International Law Seminar, the Governments of the following countries made contributions in 2004: Austria ($11,194); Finland ($4,975); Germany ($12,179); Ireland ($2,346); Mexico ($7,500); Namibia ($200); Norway ($3,651); and Sweden ($6,500). In 2005, contributions were received from the Czech Republic ($3,000); Finland ($5,284); Germany ($11,628); Mexico ($7,500); New Zealand ($3,655); Sweden ($6,693); and Switzerland ($10,620).

62. For the International Law Fellowship Programme, the following countries made contributions during 2004: Bahamas ($500); the Holy See ($3,000); Monaco ($10,000); Namibia ($200); and Trinidad and Tobago ($508).

63. For the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, the following country made a contribution in 2004: Namibia ($200). In 2005, the

following countries made contributions: Monaco ($10,000), Sri Lanka ($1,000), and Trinidad and Tobago ($5,000).

64. Contributions to the Trust Fund for UNCITRAL Symposia were received from the Governments of the following countries in 2004: Singapore ($2,000) and Switzerland ($42,542). In 2005, the following contribution was received: Mexico ($5,000). Additionally, the following pledges have been made: Singapore ($2,000) and Mexico ($5,000).

65. For the United Nations Audiovisual Library in International Law, a contribution of $3,000 was received from Mexico. Namibia also contributed $200 during the period under review.

B. Biennium 2006-2007

66. Assuming that the recommendations regarding legal publications are adopted, the cost of handling and shipping the United Nations legal publications issued in 2006 and 2007 would be covered by the estimates under the relevant sections of the proposed programme budget for the biennium 2006-2007.

67. With regard to the provision of fellowships within the International Law Fellowship Programme during the biennium and possibly of travel grants for participants in regional refresher courses during 2006 or 2007, an amount of $404,600 is included in the proposed programme budget for the biennium 2006-2007 under section 8 (Legal affairs), assuming that the General Assembly approves the guidelines and recommendations on those programmes.

68. The Secretary-General would repeat his efforts, if the General Assembly so decides, in requesting voluntary contributions to the Programme. It is proposed that, as in past years, the funds accruing from such contributions have, as a main goal, and subject to considerations of a practical nature, the increase of the number of fellowship grants to candidates from developing countries, in addition to the minimum that would be authorized by the General Assembly under the appropriations from the regular budget.

V. Meetings of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

A. Membership of the Advisory Committee

69. The General Assembly, in its resolution 58/73, appointed 25 Member States for the membership of the Advisory Committee for the period from 1 January 2004 to 31 December 2007: Canada, Colombia, Cyprus, the Czech Republic, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Lebanon, Malaysia, Mexico, Nigeria, Pakistan, Portugal, the Russian Federation, the Sudan, Trinidad and Tobago, Ukraine, the United Republic of Tanzania, the United States of America and Uruguay.

B. Thirty-ninth session

70. In paragraph 14 of its resolution 58/73, the General Assembly requested the Secretary-General to report to the Assembly at its sixtieth session on the implementation of the Programme during 2004 and 2005.

71. As part of the preparation of the report requested under resolution 58/73, the Secretary-General prepared an interim report covering the activities carried out during 2004 by the various bodies that participated in the execution of the Programme, as well as a draft report covering the activities carried out in 2005, to be considered by the Advisory Committee at its fortieth session.

72. At the thirty-ninth session of the Advisory Committee, held on 11 November 2004, the representatives of the following members of the Committee were present: Canada, Colombia, Cyprus, the Czech Republic, Germany, Ghana, Lebanon, Mexico, Portugal, the Russian Federation, Trinidad and Tobago, the United Republic of Tanzania, the United States of America and Uruguay. Representatives of UNITAR and the Division for Ocean Affairs and the Law of the Sea also attended.

73. The thirty-ninth session was chaired by Thomas Kwesi Quartey of Ghana.

74. George Korontzis, Senior Legal Officer, Codification Division, Office of Legal Affairs, acted as Secretary of the Advisory Committee.

75. During the session, it was explained that the holding of regional courses was determined mostly by the financial resources available, that the host Government typically provided the physical facilities for the courses and that other resources were often provided by non-governmental organizations. It was further explained that negotiations were under way for the holding of a regional course in the Asian region in the near future.

C. Fortieth session

76. [Summary to be included after the meeting of the Advisory Committee, on 17 October 2005, which will consider the draft report of the Secretary-General. The report of the Secretary-General will be submitted to the General Assembly at its sixtieth session.]

Notes

[1] OLA/UNPA/2005/CRP.1.

[2] The fellowship was originally awarded to a candidate from Saint Lucia, who was unable to take up the fellowship for personal reasons; the back-up candidate from Trinidad and Tobago was therefore awarded the fellowship.

[3] The recipient of the award was unable to take up the fellowship for personal reasons and there was not enough time to award the fellowship to the back-up candidate.

[4] The individuals from Seychelles (1994), Papua New Guinea (1998), Barbados (1999), Bulgaria (2001) and Colombia (2002) received special awards.

[5] The time lag between the submission of a treaty and its publication has been reduced to 11 months.